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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,771	11/20/2000	Ana Silvia Sanchez	10001339-1	8288

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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

5

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,771

Applicant(s)

SANCHEZ, ANA SILVIA

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-9,11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-9,11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,3,6-9,13,14,16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano et al. (6,308,205) (hereinafter Carcerano) in view of Roberts et al (5,960,167) (hereinafter Roberts).
4. As per claim 17, Carcerano discusses a method for configuring a network device for intercommunication with a network, the network device being communicatively coupled with the network and having a first network configuration enabling the network device to communicate with the network, said method comprising:
recording information corresponding to the first network configuration of the network device (e.g. col. 2, lines 12-20); automatically monitoring a current network configuration of the network device (e.g. col. 10, lines 35-42); and determining whether the network device is able to communicate with the network such that, if the network device is not able to communicate with the network:
automatically comparing the current network configuration with the information corresponding to the first network configuration (e.g. col. 2, lines 45-54); Carcerano does not specifically teach the method for:

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automatically determining whether the current network configuration corresponds to the first network configuration; and if the current network configuration does not correspond to the first network configuration, automatically reconfiguring the network device such that the current network configuration of the network device corresponds to the first network configuration, thereby enabling the network device to communicate with the network.

Roberts teaches the method for: automatically determining whether the current network configuration corresponds to the first network configuration (e.g. figure 4, box 220); and if the current network configuration does not correspond to the first network configuration, automatically reconfiguring the network device such that the current network configuration of the network device corresponds to the first network configuration, thereby enabling the network device to communicate with the network (e.g. col. 5, lines 1-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Carcerano with Roberts. The motivation would have been to provide for auto configuration and installation of network devices.

5. As per claim 19, it is rejected for similar reasons as stated above.

6. As per claim 20, it is rejected for similar reasons as stated above.

7. As per claim 18, Carcerano teaches the method further comprising:

Maintaining the current network configuration of the network device if the network device is able to communicate with the network (e.g. col. 2, lines 39-42).

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8. As per claim 2, Carcerano teaches the method, wherein information corresponding to the network configuration of the network device is maintained by a network card of the network device (e.g. col. 12, lines 12-19).
9. As per claim 13, it is rejected for similar reasons as stated above.
10. As per claim 3, Carcerano teaches the method wherein the step of determining whether the network device is able to communicate with the network comprises the step of automatically determining whether the network device is able to communicate with the network comprises the step of automatically determining whether the network device is able to communicate with the network (e.g. col. 9, lines 15-21. It is an inherent property of polling network devices to check for connectivity of devices to the network and to take appropriate action should the connection be disrupted).
11. As per claim 6, Carcerano shows the method, wherein the network device is a printer (e.g. col. 4, lines 28-35).
12. As per claim 16, it is rejected for similar reasons as stated above.
13. As per claim 7, Carcerano teaches the method, wherein the network has a server communicatively coupled thereto, and wherein recording information corresponding to the first network configuration of the network device further comprises storing the information on the server (e.g. col. 5, lines 59-66).
14. As per claim 14, it is rejected for similar reasons as stated above.
15. As per claim 8, Carcerano teaches the method, wherein the network has a workstation communicatively coupled thereto, and wherein recording information

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corresponding to the first network configuration of the network device further comprises the step of storing the information at the workstation (e.g. col. 4, lines 27-35).

16. As per claim 9, Carcerano shows the method, wherein reconfiguring the network device comprises reconfiguring the network card of the network device such that a current network configuration of the network device corresponds to the first network configuration (e.g. col. 4, lines 8-21).

17. Claims 5, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano in view of Roberts and in further view of Marbry et al (5,692,111) (hereinafter Marbry).

18. As per claim 5, Carcerano in combination with Roberts do not specifically teach the method, wherein, if the network device is able to communicate with the network :
Determining whether the current network configuration of the network device corresponds to the first network configuration; and if the current network configuration of the network device does not correspond to the first network configuration, recording the current network configuration as a second network configuration such that, if it is determined that the network device is not able to communicate with the network, the network device may be reconfigured with the second network configuration. Marbry teaches the method, further comprising the steps of:

Determining whether the current network configuration of the network device corresponds to the first network configuration (e.g. col. 1, lines 39-42); and if the current network configuration of the network device does not correspond to the first network configuration, recording the current network configuration as a second network

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configuration such that, if it is determined that the network device is not able to communicate with the network, the network device may be reconfigured with the second network configuration (e.g. col. 1, lines 42-54). It would have been obvious to one of ordinary art at the time the invention was made to combine Carcerano, Roberts and Marbry. The motivation would have been for network devices to work with multiple networks running different platforms.

19. As per claim 11, it is rejected for similar reasons as stated above.

20. As per claim 15, it is rejected for similar reasons as stated above.

21. Applicant's arguments files 3/02/2004 have been fully considered but are not persuasive.

22. In the remarks, applicants argue in substance that (1) Carcerano stores updates to configuration information, but does not store a previous configuration to be used as a backup in case of a system failure.

23. As to point (1) Features not claimed "to be used as a backup in case of a system failure". However what is claimed is "recording information corresponding to the first network configuration of the network device. Carcerano shows the use of recording device configuration (e.g. col. 2, lines 40-42).

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication Number 2002/0049693 to Case.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100